Appl. No. 10/053,089
Amdt. dated January 26, 2006
Reply to Office Action of October 18, 2005

Atty. Ref. 81800.0178
Customer No. 26021

Remarks/Arguments

Reconsideration of this application is requested.

Extension of Time

A request for a one month extension of the period for response to the office action mailed on October 18, 2005 is enclosed. The extended period for response expires on February 18, 2006.

Claim Status

Claims 1-20 are pending. Claims 1, 10 and 19 are amended.

Drawing and Claim Objections

The Action objects to the drawings under 37 CFR 1.83(a) and asserts that the "inverting unit" is not adequately disclosed in the specification or drawings. Claims 1 and 10 are objected to under 37 CFR 1.75(d)(1) for the same reason. Applicant respectfully traverses these objections and, in addition, clarifies claim 1 to correspond with the description in the specification.

Paragraph [0030] applicant's specification states:

> "The main control unit 101 of the second gateway device 60B receives the packet data from the first gateway device 60A via the Internet 40 and the router device 109, and *inverts* the received packet data into an image data for general facsimile communication."

Main control unit 101, which performs the inverting function, is clearly shown in applicant's Fig. 3.

Claim 1 is amended to more closely correspond to this description, that is, to recite a control unit for inverting the packet data, rather than an "inverting unit". Claim 10 recites, "means for inverting the packet data into a facsimile image data", which is clearly supported by paragraph [0030] and Fig. 3.

For these reasons, the drawing and claim objections should be withdrawn.

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Claim Rejections – 35 USC 103(a)

Claims 1-20 are rejected under 35 USC 103(a) as obvious over Chimura (US 6,285,466) in view of Nakamura (US 4,999,716). Applicant traverses these rejections and amends independent claims 1, 10 and 19 to clarify the clear distinction of the present invention over Chimura and Nakamura.

The present invention provides a unique means for accommodating an interruption of facsimile communication due to Internet transmission delays without changing the communication procedure, i.e., the modem speed. This is accomplished by a purposeful manipulation by the transmitting gateway device 60B of the test data of the TCF (training check field) signal whenever a full page of image data has not been received and stored(step S3).

As is known to those of skill in the art, the test data of a TCF signal comprises a predetermined number of consecutive zeros (Nakamura, col. 7, lines 67-68). Under recommendation T.30, for example, a server tests the condition of the line by transmitting a TCF signal comprised of consecutive zeros for one second. Adverse line conditions such as noise can cause the zeros to change to ones. Thus, the receiving facsimile examines the received TCF signal and determines how many zeros changed to ones during transmission. If not too many zeros have changed to ones, the receiving facsimile sends a CFR (confirmation to receive) signal to the server to indicate that line conditions are good and that transmission may commence. On the other hand, if too many zeros have changed to ones, the receiving facsimile sends an FTT (failure to train) signal back to the server to indicate that the line conditions are bad.

In the present invention, if a full page of image data has not yet been received and stored, the control unit of the transmitting gateway device *purposely sets* the test data of the TCF signal to all ones, instead of zeros, to indicate an error condition, and will thereby purposely cause the receiving facsimile machine 20B to believe that line conditions are bad and accordingly send out an FTT signal (step S6) and/or not to send a CFR signal (step S7). Thus, when control unit 101 of

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gateway device 60B knows that it purposely sent out the test data indicating an error condition, and as expected either receives the FTT or does not receive the CFR as a result, it does not change the modem speed (step S9) and loops back to step S2 to continue to receive image data until a full page is stored. By repeating this process, time is bought without changing modem speed until an image is accumulated in memory.

In order to clarify this point, claims 1, 10 and 19 are amended to recite:

> ...appending an error data *that is preset to indicate that an error condition exists* to a test data used for a training purpose...

On the other hand, if an FTT signal is received or no CFR signal is received, and control unit 101 has not purposely set the error data of the TCF signal, this is a genuine indication that bad line conditions exist and the modem speed is therefore slowed down (step S10).

The Action acknowledges that Chimura lacks such a disclosure, but asserts that Nakamura discloses appending error data (1's for bit error) to a TCF signal and then transmitting the error data with the test data. The Action cites col. 8, lines 3-13 and Fig. 7 of Nakamura as setting forth such a disclosure. Applicant strongly disagrees and submits that Nakamura has been misinterpreted. Nakamura merely describes the normal use of a TCF signal, i.e., the source facsimile sends a TCF signal comprised of some predetermined number of consecutive zeros to the destination facsimile (Nakamura, col. 7, lines 67-68), and the destination facsimile counts the number of erroneous bits (i.e. those bits that changed from zero to one during transmission) by entering each bit of the received TCF signal into the system controller and counting the erroneous bits (Nakamura, col. 8, lines 1-12).

Thus, in contrast to the present invention, *Nakamura's source facsimile does not preset the test data of the TCF signal to indicate that an error condition exists* (i.e. set the test data to all ones). Instead, Nakamura's source facsimile sends out a

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normal TCF signal comprised of some number of zeros. These zeros are changed to ones only as a result of bad line conditions which cause a bit error and not because, as asserted by the Action, they were purposely set to one by the source facsimile and appended to the test data.

Since Chimura and Nakamura do not disclose or suggest this important feature of claims 1, 10 and 19, it cannot render those claims or claims dependent thereon obvious. Accordingly, the rejections of claims 1-20 under 35 USC 103 should be withdrawn.

Conclusion

This application is now in condition for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: January 26, 2006

By: _____

Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701

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